

FAIRFAX COUNTY
SPECIAL EXCEPTION APPLICATION PACKAGE

Revised June 26, 2003

Section 9-001 of the Zoning Ordinance states that there are certain uses which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given zoning district should be allowed to be modified, within limitations, in the interest of sound development. These uses, described as special exception uses in the Zoning Ordinance, may be allowed to locate within designated zoning districts under the controls, limitations and regulations of a special exception approved by the Board of Supervisors.

The Board of Supervisors may approve a special exception under the provisions of Article 9 of the Zoning Ordinance, when it concludes that the proposed use complies with all specified standards and that such use will be compatible with existing and/or planned development in the general area. In addition, in approving a special exception, the Board may impose conditions and restrictions to ensure that the standards will be met. Where such cannot be accomplished, or it is determined that the use is not in accordance with all applicable standards of the Zoning Ordinance, the Board shall deny the special exception.

Special exception uses are categorized into six categories as listed below.

Category 1 - Light Public Utility Uses

Category 2 - Heavy Public Utility Uses

Category 3 - Quasi-Public Uses

Category 4 - Transportation Facilities

Category 5 - Commercial and Industrial Uses of Special Impact

Category 6 - Miscellaneous Provisions Requiring Board of Supervisors' Approval.

In order to request approval of a special exception by the Board of Supervisors, an application must be filed with the County by the owners, lessee, or contract purchasers of the land, or their designated agents. A special exception must meet specific submission requirements, including a fee and an affidavit, as set forth in the Fairfax County Zoning Ordinance. This package contains a listing of the submission requirements (Attachment 1), special exception standards (Attachment 2), a fee schedule (Attachment 3), a four-part application form (Attachment 4), and an affidavit form (Attachment 5) for use in filing such an application. Also provided is a checklist which may be used to ensure that all required elements are included in an application submission (Attachment 6). With the use of this checklist form, applications which are certified as complete will be processed on a priority basis.

SUBMISSION REQUIREMENTS. A synopsis of the submission requirements for an application for a special exception, pursuant to Section 9-011 of the Fairfax County Zoning Ordinance, is presented as Attachment 1 of this package. In general, the submission requirements include an application form, a plat of the property showing existing and proposed uses, a tax map section sheet, photographs of the property, soil types for residential uses, an affidavit disclosing ownership and other interests in the property, a written statement describing the proposed use, owner concurrence in the application, any applicable overlay district information, and a fee. In addition to these general submission requirements, specific additional or modified submission requirements are contained in the Zoning Ordinance in Sections 9-103, 9-203, 9-303, 9-403, 9-503, and 9-602 for certain special exception categories or uses.

All special exceptions must meet the general standards specified in Section 9-006 of the Zoning Ordinance and the category standards specified for each special exception category in Sections 9-104, 9-204, 9-304, 9-404, and 9-503, respectively. Copies of the general and category standards are presented in Attachment 2.

For many special exceptions, additional standards are specified in the Zoning Ordinance for a particular use. Please refer to the Zoning Ordinance or request a copy of the additional standards for your particular use from the Zoning Evaluation Division, Department of Planning and Zoning, at (703) 324-1290.

All of the standards which are applicable to a particular use should be considered in the filing of a special exception application. In the processing of an application, it is the applicant's responsibility to demonstrate that a proposed use meets all applicable standards.

WHERE TO SUBMIT. Special exception applications may be submitted by mail or hand-carried to the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, VA. 22035.

ASSISTANCE. For assistance in the filing of a special exception application, other information on the application process, clarification of these instructions, or to set up a presubmission meeting to discuss a potential submission or for help with a submission, please call the Zoning Evaluation Division at 324-1290.

HELPFUL HINTS. The following "Helpful Hints" are provided to assist in the filing of a special exception application.

- Each application should be considered as a "package" which includes all required elements when submitted. Submission of application elements individually, rather than as an overall package, typically increases the time it takes to accept the application.
- Each applicant should designate a "single point of contact" who will be responsible for the application. This may be the applicant, attorney, engineer, property owner, or other member of the application team.
- The application package should be reviewed for correctness and completeness prior to submission, and to ensure that all parts are coordinated.
- Submitted special exception plats should be folded so that they fit into an overall application package.
- All information, including any supplemental information which may be submitted, should be clearly marked to reference the specific application.

A form is presented in Attachment 6 to assist you with the compilation of an application package. The form is a checklist designed to ensure that all application submission elements are included in the application package. The form needs to be signed by an applicant or designated agent and should be prominently displayed on top of your submission. With the use of this form, applications which are certified as complete will be processed on a priority basis.

APPLICATION ACCEPTANCE. Once an application is submitted, it is reviewed for completeness by County staff. An application must be complete before it is officially accepted by the County. If an application is incomplete, a letter specifying the deficiencies will be mailed to the designated agent (or applicant if no designated agent is listed). Once complete, the application is accepted and an acceptance letter is sent to the designated agent or applicant. The application is then assigned to a staff coordinator and distributed to various Departments for their review.

STAFF REVIEW PROCESS. Upon acceptance of a special exception application, the application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance, and to assess its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by a staff coordinator within the Zoning Evaluation Division of the Department of Planning and Zoning who will provide staff comments on the request to the applicant, or the applicant's agent, and will facilitate the resolution of any issues which may be identified. Generally, two staffing milestone dates are

scheduled during the review of an application, at which time staff comments are synthesized and subsequently presented to the applicant/agent. The staff coordinator will provide all applicants with a schedule and deadlines for the submission of any revised or additional information which may be submitted during the course of the processing of an application. A written staff report will be prepared documenting the analysis of each application, and presenting a recommendation to the Planning Commission and the Board of Supervisors.

The staff report is generally published two weeks prior to the Planning Commission's public hearing.

PUBLIC HEARINGS. Public hearings before the Planning Commission and the Board of Supervisors are required for all special exception applications. The Planning Commission public hearing is scheduled at the time of application acceptance. Applications will be scheduled and considered in the order in which they are accepted. The Board of Supervisors public hearing is generally scheduled subsequent to the Planning Commission making its recommendation on the application to the Board of Supervisors.

NOTIFICATION. During the application process, and prior to the public hearings, the applicant/agent will be required to send written notice to the property owners of each parcel of land included within a special exception application and to all property owners adjacent to the subject property and immediately across the street from the subject property. If such notice does not result in the notification of 25 different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than 25 properties. A package will be sent by the County to the applicant/agent approximately 30 days prior to each public hearing, which contains instructions on how to complete the notification process. Please call the Zoning Evaluation Division at 324-1290 if you have any questions when you receive the notification package. It is extremely important that these instructions are followed exactly. Please see Section 18-110 of the Zoning Ordinance for additional information on required notification.

EXPIRATION OF AN APPROVED SPECIAL EXCEPTION. Whenever a special exception is approved by the Board of Supervisors, the activity authorized thereby shall be established or any construction authorized shall be commenced and diligently prosecuted within such time as the Board may have specified, or, if no such time has been specified, then, within thirty (30) months from the approval date of such special exception. If the use has not been established or construction has not commenced within such time, the special exception shall automatically expire, without notification by the County, pursuant to Paragraph 1 of Section 9-015 of the Zoning Ordinance, unless additional time is approved by the Board of Supervisors. The procedure to request additional time is listed in Paragraph 2 of Section 9-015 of the Zoning Ordinance.

AMENDMENTS. The instructions above are also applicable to applications to amend previously approved special exceptions.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

SYNOPSIS OF THE SUBMISSION REQUIREMENTS
FOR SPECIAL EXCEPTION APPLICATIONS

Submission Requirements

All applications for special exception must be accompanied by the following ten (10) items, pursuant to Section 9-011 of the Zoning Ordinance. Additional or modified submission requirements are set forth in the Zoning Ordinance for Category 1, Category 2, Category 3, Category 4, Category 5, and Category 6 Uses.

1. An application form completed and signed by the applicant (See Attachment 4).
2. Twenty-two (22) copies of a plat, including any resubmissions of the plat and supporting graphics, drawn to designated scale of not less than one inch equals fifty feet (1" = 50'), certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½ x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. All scaled dimensions shall be presented in English units. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the location, dimensions and lighting of all signs, and the construction date(s) of all existing structures and an indication whether they will be retained or demolished.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, transitional yards, and the distances from all existing and proposed structures to lot lines.
 - F. Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
 - G. Proposed means of ingress and egress to the property from a public street(s).
 - H. Location of parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line(s), and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11 of the Zoning Ordinance.
 - I. Location of well and/or septic field, or indication that the property is served by public water and/or sewer. Where applicable, a statement from the Health Department that available facilities are adequate for the proposed use.
 - J. Approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
 - K. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable.

- L. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is air survey or field run.
 - M. A plan showing limits of clearing, existing vegetation, and proposed landscaping and screening in accordance with the provisions of Article 13, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
 - N. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - O. Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outside lighting, and loudspeakers.
 - P. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - Q. Location of all trails required by the adopted comprehensive plan.
 - R. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
 - S. Seal and signature of professional person certifying the plat.
3. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the site must be outlined in red.
 4. Photographs of the property showing existing structures, terrain and vegetation.
 5. For all applications proposing residential development, five (5) copies of a map identifying classification of soil types at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map.
 6. An affidavit, as presented on an affidavit form approved by the Board of Supervisors and provided in this application package, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the Board or Planning Commission or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form.

Additionally, for developments which are subject to the provisions of Part 8 of Article 2 of the Zoning Ordinance, the owner and or/applicant shall submit an affidavit which shall include:

- A. The names of the owners of each parcel of the sites or portions thereof, as such terms are defined in Paragraph 1 of Section 2-802 of the Zoning Ordinance; and
- B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.

7. A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:
 - A. Type of operation(s).
 - B. Hours of operation.
 - C. Estimated number of patrons/clients/patients/pupils/etc.
 - D. Proposed number of employees/attendants/teachers/etc.
 - E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
 - F. Vicinity or general area to be served by the use.
 - G. Description of building facade and architecture of proposed new building or additions.
 - H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
 - I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
8. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in the property. If the applicant is not the owner of the property, evidence must be submitted showing that the applicant will have the right to use the property as proposed.
9. Where applicable, any other information as may be required for Overlay Districts (Article 7 of the Zoning Ordinance). The Overlay Districts are: Historic Overlay District, Natural Resource Overlay District, Airport Noise Impact Overlay District, Sign Control Overlay District, Highway Corridor Overlay District, and Water Supply Protection Overlay District.
10. An application fee as shown on the fee schedule set forth in Attachment 3.

A proposed special exception use must be in conformance with the general standards and the specific category standards listed in Attachment 2. Additional standards for a particular special exception use may also be required by the Zoning Ordinance.

It is the applicant's responsibility to show that the proposed use complies with all Zoning Ordinance requirements related to the use.

GENERAL STANDARDS AND CATEGORY STANDARDS

A. General Standards

All special exception uses shall satisfy the following general standards pursuant to Section 9-006 of the Zoning Ordinance:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13 of the Zoning Ordinance.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11 of the Zoning Ordinance.
8. Signs shall be regulated by the provisions of Article 12 of the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

B. Category Standards

The following standards for each special exception category must be met, as applicable. Individual uses within a group may also have additional required standards that are not listed in this application package. Please refer to the Zoning Ordinance for additional standards for a particular use or contact the Zoning Evaluation Division, Department of Planning and Zoning, at (703) 324-1290.

Category 1 - Light Public Utility Uses

In addition to the general standards, all Category 1 special exception uses shall satisfy the following standards pursuant to Section 9-104 of the Zoning Ordinance:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.

2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Category 2 - Heavy Public Utility Uses

In addition to the general standards, all Category 2 special exception uses shall satisfy the following standards pursuant to Section 9-204 of the Zoning Ordinance:

1. All uses shall comply with the lot size requirements of the zoning district in which located.
2. All buildings and structures, except below-ground facilities, shall comply with the bulk regulations of the zoning district in which located.
3. No land or building in any district other than the I-5 or I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
4. It shall be conclusively established that the proposed location of the special exception use shall be necessary for the rendering of efficient utility service to consumers within the immediate area of the location.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Category 3 - Quasi-Public Uses

In addition to the general standards, all Category 3 special exception uses shall satisfy the following standards pursuant to Section 9-304 of the Zoning Ordinance:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, of the Zoning Ordinance the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Category 4 - Transportation Facilities

In addition to the general standards, all Category 4 special exception uses shall satisfy the following standards pursuant to Section 9-404 of the Zoning Ordinance:

1. All buildings and structures shall comply with the bulk regulations of the zoning District in which located.
2. Any rooftop surface or touchdown pad which will be utilized as an elevated helistop shall be designed and erected in a manner sufficient to withstand the anticipated additional stress.
3. Except in the I-6 District, all maintenance, repair and mechanical work, except that of an emergency nature, shall be performed in enclosed buildings.
4. All facilities shall be so located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
5. Except for elevated helistops, no area used by aircraft under its own power shall be located within a distance of 200 feet from any lot line. Elevated helistops shall be located in accordance with the bulk regulations of the zoning district in which located.
6. All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.
7. Except for elevated helistops, all areas used by aircraft under its own power shall be surrounded by a chain link fence, not less than six (6) feet in height, with suitable gates to effectively control access to such areas. Access to the landing area of an elevated helistop shall be through limited access points.
8. Before establishment, all uses, including modifications or alterations to existing uses, except Use 5, WMATA facilities, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance. WMATA facilities shall be established in conformance with the provisions of the agreement between that agency and the County.

Category 5 - Commercial and Industrial Uses of Special Impact

In addition to the general standards, all Category 5 special exception uses shall satisfy the following standards pursuant to Section 9-503 of the Zoning Ordinance:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
2. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Category 6 - Miscellaneous Provisions Requiring Board of Supervisors' Approval

No additional category standards are shown in the Zoning Ordinance for Category 6 uses. However, additional standards may be required for the particular use.

FEE SCHEDULE FOR SPECIAL EXCEPTION APPLICATIONS**All Fees shall be made payable to the County of Fairfax**

| <u>Application for a Special Exception</u> | <u>Filing Fee</u> |
|--|--|
| Category 1 | \$3,416 |
| Category 2 | \$3,416 |
| Category 3 | \$ 230 |
| Child care centers, nursery schools and private schools which have an enrollment of less than 100 students daily, churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery schools or private school which has an enrollment of less than 100 students daily. | |
| Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school which has an enrollment of 100 or more students daily | \$2,300 |
| All other uses | \$3,416 |
| Category 4 | \$3,416 |
| Category 5 | \$3,416 |
| Category 6 | \$3,416 |
| Amendment to a pending application for a special exception | 10 percent of the prevailing application fee |
| Application for an extension of a special exception | 1/8 prevailing fee |
| Application to amend a previously approved and currently valid special exception with no new construction | 1/8 prevailing fee |
| Application to amend a previously approved and currently valid special exception with new construction | Prevailing fee for new application |

Notes: Additional fees may be required for certain special exception uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special exception application is approved.

When one application is filed by one applicant for two (2) or more special exception uses on the same lot, only one filing fee shall be required. Such fee shall be the highest of the fee required for the individual uses.

The fee for an amendment to a pending application for a special exception is only applicable when the amendment request results in a change in land area, change in use or other substantial revision.

If an application is withdrawn by the applicant, no fee or part thereof shall be refunded. If an application is administratively withdrawn by the Zoning Administrator, because it was determined that the application was accepted in error, there shall be a full refund of the filing fee.

If a rezoning, special permit or variance is needed in connection with a special exception, a separate application for the respective request is required.



PLEASE TYPE
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR SPECIAL EXCEPTION

APPLICATION NO. _____
(Assigned by Staff)

ZONING ORDINANCE SECTION UNDER WHICH APPLICATION IS FILED: _____

PROPOSED USE: _____

NAME OF APPLICANT(s): _____

POSTAL ADDRESS OF PROPERTY: _____

TAX MAP DESCRIPTION: _____

| | | | |
|---------|-------------------|-------------------|----------------------|
| Map No. | Double Circle No. | Single Circle No. | Parcel(s)/Lot(s) No. |
|---------|-------------------|-------------------|----------------------|

SUBDIVISION NAME: _____

TOTAL AREA (AC. OR SQ.FT.): _____

PRESENT ZONING: _____

PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: _____

SUPERVISOR DISTRICT: _____

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Type or Print Name of Applicant or Agent _____

Signature of Applicant or Agent _____

Address _____

| | | |
|---------------|------|------|
| Telephone No. | Home | Work |
|---------------|------|------|

Please provide name and telephone number of contact person if different from above.

DO NOT WRITE IN THIS SPACE

Date application received: _____ Application Fee Paid: \$ _____

Date application accepted: _____ Form SE (10/89)

SPECIAL EXCEPTION AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
 ☐ applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): _____
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
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(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(b). The following constitutes a listing** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

=====

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

☐ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “**NONE**” on the line below.)

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a “Special Exception Attachment to Par. 2” form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL EXCEPTION AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above. **EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter “**NONE**” on line below.)

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a “Special Exception Attachment to Par. 3” form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) ☐ Applicant ☐ Applicant’s Authorized Agent

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this _____ day of _____, 20____, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

Special Exception Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(**NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

[illegible]

(check if applicable)

[]

There are more relationships to be listed and Par. 1(a) is continued further on a “Special Exception Attachment to Par. 1(a)” form.

Special Exception Attachment to Par. 1(b)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

=====

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a “Special Exception Attachment to Par. 1(c)” form.

for Application No. (s): _____
(enter County-assigned application number (s))

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper. There are no margins, text, or other markings on the page.

[]

FORM SEA-1 Updated (3/24/03)

Special Exception Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(check if applicable)

[] There are more disclosures to the listed for Par. 3, and Par. 3 is continued further on a “Special Exception Attachment to Par. 3” form.

Special Exception Application Submission Package Elements

(Checklist to be used to ensure all submission elements
are included in application package)

_____ **Special Exception Plat**
_____ **Tax Map Section**
_____ **Photographs**
_____ **Soils Map (for residential)**
_____ **Affidavit**
_____ **Ownership Concurrence**
_____ **Statement of Justification**
_____ **Fee Payment**

I certify that the above items have been included in this special permit application package and that I have clearly labeled and cross-referenced all parts, and that, as such, my submission will be reviewed on a priority basis.

I recognize that should any of these applicable items not be included, this package will not be reviewed for acceptance until all items are submitted.

Signature _____ **Date** _____
Applicant/Agent